

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

CYNTHIA E. COLE,

PLAINTIFF

V.

NO. 2:04CV356-GHD-EMB

MILWAUKEE ELECTRIC TOOLS,

DEFENDANT

REPORT AND RECOMMENDATION

Upon further review of the file and record of this action, the Court finds plaintiff filed her application for leave to file suit under Title VII of the Civil Rights Act of 1964, without payment of fees, costs, or security and for appointment of counsel on December 27, 2004. By Order dated March 8, 2005, plaintiff's motions were denied, and she was granted time until April 5, 2005, to pay the filing fee for this action and either have her attorney enter an appearance or notify the Court in writing of her intent to proceed *pro se*.

As of this date, plaintiff has failed to pay the filing fee for this action and has not otherwise made any contact with this Court. Accordingly, I find she has lost interest in this lawsuit and does not wish to proceed. It is, therefore, recommended that the Complaint be dismissed with prejudice for plaintiff's failure to prosecute and for her failure to obey an order of the Court pursuant to FED.R.CIV.P. 41(b).

The parties are referred to Local Rule 72.2(D) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The parties are warned that any such objections are required to be in writing and must be filed within ten days of this date. Failure to timely file written objections to the proposed findings,

conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted this, the 15th day of April, 2005.

/s/ Eugene M. Bogen
U. S. MAGISTRATE JUDGE